

Exhibit #1

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

Michael L. Young

Plaintiff,

vs.

**Jason B. Griffith, Miller Truck Lines
LLC and BBJ Trailer Leasing LLC**

Defendants.

No. 19 cv 708

Jury Trial Demanded

1st Amended Complaint

Now comes the Plaintiff Michael L. Young by and through her attorneys, The Vrdolyak Law Group LLC, in support of her 1st Amended complaint against defendants Jason B. Griffith, Miller Truck Lines LLC and BBJ Trailer Leasing LLC states:

Counts I & II

(Negligence -Jason B. Griffith) (Vicarious Liability- Miller Truck Lines LLC)

1. Plaintiff Michael Young is a citizen of the state of Ohio. Defendant truck driver, Jason B. Griffith is an Oklahoma citizen. Defendant Miller Truck Lines LLC., is also an Oklahoma citizen, being an Oklahoma company with its principal place of business in Tulsa, Oklahoma. BBJ Trailer Leasing LLC is an Oklahoma company with its principal place of business in Stroud, Oklahoma.

2. The citizenship of the members of Miller Truck Lines LLC: Bobby D. Miller- Oklahoma; Bonnie J. Miller – Oklahoma; Donald L. Miller Oklahoma; Jerry Slaughter- Oklahoma; Nancy Slaughter – Oklahoma.

3. The citizenship of the members of BBJ Trailer Leasing LLC: Bobby D. Miller- Oklahoma; Bonnie J. Miller – Oklahoma; Donald L. Miller Oklahoma; Jerry Slaughter- Oklahoma; Nancy Slaughter – Oklahoma.

4. The amount in controversy exceeds, exclusive of interest and costs, the sum specified by 28 U.S.C. § 1332, making subject matter jurisdiction appropriate in this Court based on diversity of citizenship.

5. Venue is properly set in this district pursuant to 28 U.S.C. § 1391 (b) since all Defendants transact business within this judicial district and this judicial district is where substantial events giving rise to Plaintiff's injury and damages occurred.

6. On July 4, 2017, defendant trucker Jason B. Griffith lived at 9625 Sapulpa Road #34 in Sapulpa, Oklahoma. On that day defendant Miller Truck Lines LLC had its corporate headquarters located at 4230 South Elwood in Tulsa, Oklahoma and a second facility located at 105 North 8th Street in Stroud, Oklahoma. Defendant BBJ Trailer Leasing LLC is also located at 105 North 8th Street in Stroud, Oklahoma.

7. On July 4, 2017 defendant trucker Jason B. Griffith possessed an Oklahoma CDL and was operating a 2015 Freightliner tractor, VIN # 3AKJGLD57FSGP9361 with an Oklahoma license plate number 2VK924, in interstate commerce on I-70 Eastbound near mile marker 131 in Clark county, when near it impacted a Pontiac automobile owned and occupied by the plaintiff.

8. On July 4, 2017, the 2015 Freightliner tractor involved in the collision with the plaintiff, was owned by Jason B. Griffith and subject to an "owner-operator lease" with Miller Truck Lines LLC. At the time of the July 4, 2017 collision the Freightliner tractor displayed Miller Truck Lines LLC US DOT number and their logo.

9. On July 4, 2017 a commercial motor vehicle weighing in excess of 26,001 pounds was being operated in interstate commerce by the defendant's actual employee, FMCSR 390.5 statutory employee or agent, Jason B. Griffith, pursuant to Miller Truck Lines US DOT active motor carrier authority #125792. The commercial motor vehicle consisted of the aforementioned Freightliner tractor and a 2006 Reitnouer trailer bearing Oklahoma semi registration 664FJ, which was owned by BBJ Trailer Leasing LLC.

10. At all relevant times, including July 4, 2017 Miller Truck Lines LLC and BBJ Trailer Leasing LLC operated as one company, sharing an address and common employees, and cooperated in the transportation of freight in interstate commerce, including the freight being hauled by defendant trucker Jason B. Griffith in the usual course of Miller Truck Lines LLC's business as an interstate motor carrier.

11. On July 4, 2017, Plaintiff Michael L. Young was injured because of a lane intrusion collision caused by the aforementioned commercial motor vehicle displaying Miller Truck Lines LLC's logo, US DOT number and operated that day by Jason B. Griffith on I-70 eastbound in Clark county near milepost 131.

12. Jason B. Griffith was transporting freight in furtherance of Miller Truck Lines LLC's usual business and pursuant to a cooperative business relationship and/or defacto partnership with BJJ Trailer Leasing LLC, both of which functioned as one company.

13. On and before July 4, 2017, all named defendants regularly did business in Illinois, while operating tractors and trailers displaying Miller Truck Lines LLC's logo and pursuant to its US DOT motor carrier authority.

14. On July 4, 2017, trucker Jason B. Griffith was acting in the scope of his employment and agency relationship with defendant Miller Truck Lines LLC and in furtherance of their cooperative business relationship and/or defacto partnership with BBJ Trailer Leasing LLC.

15. On and before July 4, 2017, Miller Truck Lines LLC was the statutory employer under FMCSR §390.5 of defendant trucker Jason B. Griffith and is vicariously liable for his negligent conduct while operating the Freightliner tractor bearing its logo.

16. It was the duty of Miller Truck Lines LLC, and its statutory employee and shared employee / agent, Jason B. Griffith to exercise reasonable care under the circumstances to protect the safety of the traveling public, including the plaintiff. In violation of this duty each of the defendants:

- a) negligently, carelessly and improperly drove the tractor truck into the lane occupied by plaintiff's Pontiac automobile;
- b) negligently, carelessly and improperly failed to control the tractor-truck to avoid a collision with plaintiff's Pontiac automobile;
- c) negligently, carelessly and improperly failed to keep a proper lookout;
- d) negligently, carelessly and improperly operated the tractor truck without regard to Industry standards regarding space management;
- e) failed to decrease speed so as to avoid colliding with plaintiff, in violation of 625 ILCS 5/11-601; and

- f) negligently, carelessly and improperly operated the tractor-truck at a speed that was excessive for the prevailing conditions.

17. As a direct and proximate result of one or more of the aforementioned negligent acts or omissions, the Pontiac automobile occupied by plaintiff Michael L. Young was struck by a fully loaded tractor trailer and she was physically injured. Her injuries and damages from this collision include permanent neurological deficits, losses of a personal and pecuniary nature including, but not limited to, economic losses, medical expenses, pain and suffering, subsequent surgeries, disfigurement, disability, and loss of a normal life. These losses have been incurred in the past and are reasonably certain to occur in the future. All or some of them are permanent.

18. Count I claims all damages allowed by law against defendant trucker Jason B. Griffith.

19. Count II claims all vicarious damages allowed by law against Miller Truck Lines LLC for the negligence of Jason B. Griffith, who was its actual employee, FMCSR's 390.5 statutory employee or agent pursuant to the theory of placard or logo liability.

Wherefore, it is respectfully requested that judgment be entered in favor of Plaintiff Michael L. Young and against Defendants Jason B. Griffith and Miller Truck Lines LLC and each of them, for all damages allowed by law as a result of the July 4, 2017 collision.

Counts III & IV

(Negligence -Jason B. Griffith) (Vicarious Liability- BBJ Trailer Leasing LLC)

1-13. Plaintiff incorporates by reference the allegations of Counts I & II, paragraphs 1-13, as though fully set forth herein a paragraphs 1-13 of Counts III and IV.

14. On July 4, 2017, trucker Jason B. Griffith was acting in the scope of his employment and agency relationship with defendant with BBJ Trailer Leasing LLC, and in furtherance of their cooperative business relationship and/or defacto partnership with Miller Truck Lines LLC.

15. On and before July 4, 2017, BBJ Trailer Leasing LLC was the joint employer of defendant trucker Jason B. Griffith and is vicariously liable for his negligent conduct while operating the Freightliner tractor.

16. It was the duty of BBJ Trailer Leasing LLC, and its shared employee / agent, Jason B. Griffith, to exercise reasonable care under the circumstances to protect the safety of the traveling public, including the plaintiff. In violation of this duty each of the defendants:

a) negligently, carelessly and improperly drove the tractor truck into the lane occupied by plaintiff's Pontiac automobile;

b) negligently, carelessly and improperly failed to control the tractor-truck to avoid a collision with plaintiff's Pontiac automobile;

c) negligently, carelessly and improperly failed to keep a proper lookout;

d) negligently, carelessly and improperly operated the tractor truck without regard to industry standards regarding space management;

e) failed to decrease speed so as to avoid colliding with plaintiff, in violation of 625 ILCS 5/11-601; and

f) negligently, carelessly and improperly operated the tractor-truck at a speed that was excessive for the prevailing conditions.

17. As a direct and proximate result of one or more of the aforementioned negligent acts or omissions, the Pontiac automobile occupied by plaintiff Michael L. Young was struck by a fully loaded tractor trailer and she was physically injured. Her injuries and damages from this collision include permanent neurological deficits, losses of a personal and pecuniary nature including, but not limited to, economic losses, medical expenses, pain and suffering, subsequent surgeries, disfigurement, disability, and loss of a normal life. These losses have been incurred in the past and are reasonably certain to occur in the future. All or some of them are permanent.

18. Count III claims all damages allowed by law against defendant trucker Jason B. Griffith.

19. Count IV claims all vicarious damages allowed by law against BBJ Trailer Leasing LLC.

Wherefore, it is respectfully requested that judgment be entered in favor of Plaintiff Michael L. Young and against Defendants Jason B. Griffith and BBJ Trailer

Leasing LLC and each of them, for all damages allowed by law as a result of the July 4, 2017 collision.

Plaintiff Demands Trial by Jury

s/Jon C. Papin

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Exhibit # 2

Procedural Overview of 19 -cv -00708 NJR- GCS

- On *June 28, 2019*, this case was hurriedly but timely filed, as it came in late to our office. Dock No. 1.
- On *July 1, 2019*, this Court ordered Plaintiff to file an amended complaint reciting jurisdictional facts, as the corporate defendants were LLC's. Dock no. 9.
- On *August 9, 2019*, a correctly Amended complaint was filed with the correct event selected. Doc. 22.
- On *August 19, 2019*, all three named defendants, Jason Griffith, BBJ Trailer Leasing LLC and Miller Truck Lines LLC Defendants appeared through counsel, David Abbey. Dock No. 19, 21.
- On *August 23, 2019*, defendants moved to dismiss Plaintiff's first amended complaint under Rule 8 (a)(2), 10 (b) and 12 (f) Dock. No. 25.
- Through a staff docketing error, this case was not opened internally at Vrdolyak Law Group. Consequently, Plaintiff did not respond to defendants' motion to dismiss the complaint.
- On *October 31, 2019*, Since the motion was unopposed, this Court "summarily" dismissed plaintiff's case without prejudice, relying on *Bonte v. U.S. Bank N.A.*, 624 F3d 461, 466 (7th Cir. 2010) Dock No. 26
- On *October 31, 2019*, this Honorable Court entered an Order terminating the litigation. Dock No. 27.
- On *May 8, 2020*, Plaintiff filed a Second Amended Complaint. Dock No.28

- On *May 11, 2020*, this Court entered an Order striking Plaintiff's Second Amended Complaint, stating: "As the Court dismissed Plaintiff's actions without prejudice, he may refile in a new complaint as a new action."

Dock No. 29

Procedural Overview of 20 -cv-00449

- On *May 14, 2020*, Plaintiff filed her complaint against the same three defendants Jason Griffith, Miller Truck Lines, LLC and BJJ Truck Leasing LLC. Dock No. 1
- The Court's Civil Docket for 20-cv- 00449 shows the presence of a "related case, 19 cv- 00708-NJR- GCS".
- On *May 20, 2020*, Notice Terminating Judge assignment and the matter was reassigned from Judge Gilbert Sison to Judge J. Phil Gilbert. Dock No. 9
- On *June 17, 2020*, an order was granted allowing Attorney David Abbey to appear pro hac vice on behalf of Jason B. Griffith, Miller Truck Lines LLC and BJJ Trailer Leasing LLC Dock No. 18
- On *September 25, 2020*, all defendants answered Plaintiff's complaint denying all allegations of negligence and reserving affirmative defenses, including the statute of limitations. Dock No. 24.
- On *January 15, 2021*, all defendants moved for summary judgement claiming that the 20 cv case was filed beyond the Illinois statute of limitations, which they claim would have expired on July 4, 2019. Dock No. 25

- *March 3, 2021* – An Amended Scheduling Order was entered.
- *June 2, 2021*– A private mediation in Indianapolis, Indiana was not productive.
- On *July 8, 2021*, Plaintiff filed a motion for leave to file punitive damages against Jason B. Griffith and Miller Truck Lines LLC. Dock No. 36
- On *July 8, 2021*, Plaintiff filed a motion for terminating sanctions against all three defendants. Dock No. 37
- On *July 13, 2021*, Judge Phil Gilbert entered an Order “Given the plaintiff’s motion for sanctions, the Court will consider the status report requirement satisfied and will take up the Motion during the show Cause hearing.” Dock No. 38
- On *July 22, 2021*, defendants filed a response opposing Plaintiff’s motion for leave to file an amended complaint alleging punitive damages.
- On *July 22, 2021*, Defendants filed a response in opposition to plaintiff’s motion for terminating sanctions.
- On *July 30, 2021*, Defendants filed a motion for an Order to consider and to Rule on Defendants motion for summary Judgement based on the statute of limitations.
- On *August 6, 2021*, Plaintiff filed a Reply under Local Rule 7.1 in support of her motion for terminating sanctions.
- On *August 10, 2021*, Judge Gilbert held a hearing and Ordered Plaintiff

to Respond to Defendants motion for Summary Judgment, as a
“jurisdictional matter”, before Ruling on Plaintiff’s motions to file an
amended complaint and for terminating sanctions.